

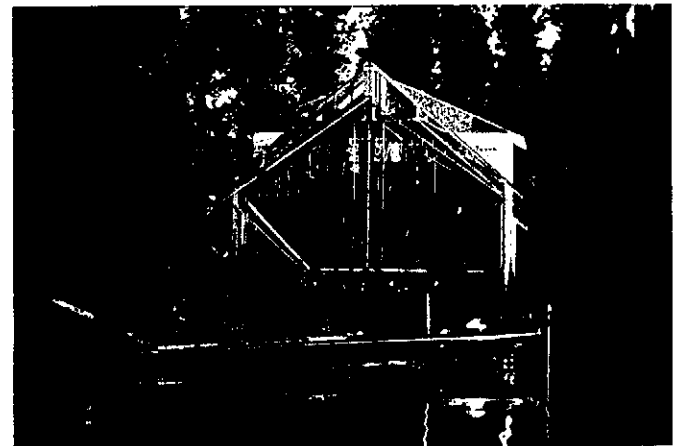
Overview of proposed changes to shoreland protection rules

Landowners, counties gain flexibility and certainty; lakes and rivers better protected

Public hearings are set for July and August 2007 on proposed changes to Wisconsin's statewide development standards along lakes and rivers, primarily in unincorporated areas.

A 1997 study found the current, 40-year-old standards for lot sizes, building setbacks and limits on removing plants and trees inadequate to handle the increased runoff and other problems caused by the larger year-round homes and extensively landscaped lawns more common now.

Consequently, the proposed changes seek to regulate structures based on their potential to harm water quality and habitat based on their size, the amount of hard surfaces on the lot, how close they are to the water, and the amount of plants, trees and shrubs left near the water.



Proposed changes to statewide minimum shoreland standards safeguard good fishing, clean water and natural scenic beauty while allowing landowners and counties more flexibility.

The proposed changes allow property owners more land use options while better protecting clean water, fish and wildlife habitat. They also give the counties, which are responsible for carrying out the rules, more flexibility.

Key provisions under the proposed changes crafted to reflect 50,000 public comments

The proposals reflect changes DNR is making as a result of five years of work by citizen advisory committees, feedback from 11 public hearings, 8 listening sessions and nearly 50,000 written comments. The standards are found in Natural Resources Chapter 115 of the Wisconsin Administrative Code. Key provisions would:

- Require a minimum lot size of 20,000 square feet for new single family homes. Current rules allow smaller lots for structures with sanitary sewers instead of septic systems. For the first time, size standards would be set for multi-family residential development, campgrounds, mobile home parks with the individual counties – not the state – setting the standards.
- Continue to require that primary structures be set back 75 feet from the ordinary high water mark but exempt from this requirement construction of new on-land boathouses 250 square feet or smaller, certain open sided screened structures, utilities, flagpoles, satellite dishes, and other structures. Current rules exempt only piers, boat hoists and boathouses.
- Allow owners of homes not meeting the current setback to make unlimited repairs and maintenance without regard to cost – but require measures to reduce impacts to habitat and water quality. Now, repairs and reconstruction of such "nonconforming structures" are limited to 50 percent of the current equalized value over the lifetime of the structure.
- Establish standards limiting the hard surfaces, i.e. roofs, patios, paved or gravel driveways, etc. allowed on a lot and setting a threshold or "trigger" at which property owners would need to take steps to control runoff resulting from those hard surfaces. For property owners wanting to build a new structure, the limit or "cap" is 20 percent, the trigger 10 percent. For owners of existing structures who want to expand it or add a patio or other hard surface, the cap would be 20 percent, the trigger 15 percent. To control or "mitigate" the runoff, the property owner could maintain the plants and trees by the water, restore plantings there, use rain gardens or other methods to assure the water soaks into the ground. The amount of mitigation required would be proportional to the hard surfaces on the lot and individual counties would define the kinds of mitigation required based on local needs.

Proposed changes allow more repair, rebuilding of waterfront homes

Current provisions regarding "nonconforming structures" – buildings constructed before the current rule and built closer to the water than the rule allows – have long been the bane of some property owners and county zoning officials as being too confusing and limiting.

Proposed changes to shoreland development rules would significantly change how these nonconforming structures are treated. Most notably, landowners could make unlimited repairs and maintenance but would be required to take steps to control water runoff and impacts on wildlife habitat.

Now, structural repairs, expansions and improvements to nonconforming structures cannot exceed 50 percent of the current equalized assessed value over the lifetime of the structure.

Under the proposed changes to the shoreland development rules, nonconforming structures could have unlimited repairs, and be rebuilt entirely, and in some cases, be expanded. But property owners would need to take steps to compensate for, or "mitigate" the increased runoff and loss of fish or wildlife habitat stemming from their project.

Individual counties would set their own mitigation requirements that would suit local conditions but meet the following state standards for protecting or enhancing water quality, animal habitat, and scenic beauty. Mitigation requirements would:

- ✓ Divert rain and snowmelt from new hard surfaces so it soaks into the ground or is filtered before reaching lakes or rivers.
- ✓ Restore or maintain the 35-foot primary buffer to natural conditions.
- ✓ Or other measures designed to be proportional to the specific impact of a landowner's project.

In addition to attending the public hearings, you may provide comment on these proposed rules in other convenient ways:

- ✓ Send your comments over the internet at: <http://adminrules.wisconsin.gov>
- ✓ Mail comments to Toni Herkert – WT/2 at Wisconsin DNR, Bureau of Watershed Management, Box 7921, Madison, WI 53707-7921



Primary buffer of primary importance

Loons, like the one seen nesting above, fish, turtles and frogs are some of Wisconsin's most popular waterfront residents. They also suffer the most when development that's not done in an environmentally-friendly way eliminates the native plants, trees and shrubs on land right next to the water.

This area, called the **primary buffer**, extends 35 feet landward and it's critical for clean water, good habitat, and natural scenic beauty. The primary buffer provides nesting and transition areas for waterfowl, songbirds and turtles; downed trees that provide habitat for feeding and spawning fish, and native plants and shrubs that help filter polluted runoff, preserving water quality for all.

Proposed changes to statewide minimum shoreland protection standards seek to maintain the **primary buffer** in a natural state and to restore it when property owners pursue a major change that trips a trigger. With a few exceptions, buildings are not to be located in this area.

For more information...

on the rule revision process, advisory committee proceedings, public hearings and the draft proposal, PLEASE see our website at: <http://dnr.wi.gov/org/water/wm/dsfm/shore/news.htm>

Or contact Toni Herkert at (608) 266-0161 or toni.herkert@wisconsin.gov.

